MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1042 OF 2007

Deepak Sahebrao Pawar Petitioner
versus
Mohanlal R. Oswal & others Respondents

Mr.R.a.Thorat for petitioner.
Mr.U.P.Warunjikar for respondent no.1

CORAM : A.S.OKA, J.

DATE : 06th March 2007

PC :

1. By this writ petition under Article 227 of the Constitution of India, the petitioner who is defendant has challenged the order dated 12th January 2007 passed by the Appellate Court. By the said order, an application for temporary injunction made by the respondents has been allowed and the petitioner has been directed to maintain status-quo regarding the work of installation of petrol pump in the suit property till the decision of the suit.

2. After having heard learned advocates appearing for the parties I find that no case is

MST

made out for interference with the discretionary order passed by the Appellate Court. There was a prohibitory order operating against the petitioner during pendency of the appeal. The order is passed on prima facie consideration of material on record.

3. Writ petition is rejected. Hearing of the suit is expedited. It is obvious that the Trial Court will decide the suit without being influenced by the grant of temporary injunction by the Appellate Court and the confirmation thereof by this Court.

(A.S.OKA, J.)